

Legacy of Violence: Lynch Mobs and Executions in Minnesota

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Legacy of Violence: Lynch Mobs and Executions in Minnesota, by John D. Bessler. Minneapolis: University of Minnesota Press, 2003. xx, 307 pp. Illustrations, notes, index. \$18.95 paper.

Reviewer Mark R. Ellis is associate professor of history at the University of Nebraska at Kearney. He is the author of *Law and Order in Buffalo Bill's Country: Legal Culture and Community on the Great Plains, 1868–1910* (2007).

Although Minnesota has no death penalty and has one of the nation's lowest homicide rates, the state has a dark legacy of violence. Minnesota, for example, holds the dubious distinction of hosting the largest mass execution in American history. In 1862, on orders from President Abraham Lincoln, 38 Dakota Indians were executed in Mankato for their part in the Santee Uprising that left hundreds of settlers dead. Minnesota has also witnessed a number of extralegal executions, including the appalling 1920 lynching of three young African American men by the citizens of Duluth. Despite these blotches on the state's history, by 1911 the state had abolished the death penalty and in the 1920s led the way toward eliminating lynching in the United States. Combining his experience as an attorney, professional writer, and law professor, John D. Bessler examines the history of legal and extralegal executions in Minnesota and the events and people that eventually convinced Minnesotans to ban such practices.

Bessler has written and lectured extensively on the death penalty and has done pro bono legal work for death-row inmates in Texas. Although Bessler is clearly against the death penalty, his book does not read like a vitriolic propaganda piece against the death penalty. Still, the primary argument in this book is that executions, legal or extralegal, are wrong and harmful to society. The author views Minnesota as a leader in the movement to eliminate the death penalty and lynching, and he hopes that other states—and the world—will look up to, and eventually follow, the North Star State's lead.

The author tells his story in eight chapters. The first chapter provides an overview of Minnesota's death penalty and extralegal movements from the territorial period to 1920. Here a number of lesser-known executions and lynchings are briefly reviewed. Bessler then expands on specific case studies, the first being a well-done chapter on the 1862 mass execution of 38 Dakota Indians. Bessler's theme that violence only begets further violence is reinforced in this chapter, as the Dakota executions sparked decades of warfare with American Indians. In chapter three Bessler reviews the trial and execution of Ann Bilansky, the only woman legally executed in Minnesota. Several chapters examine the history of the anti-death penalty movement in Minnesota and the ultimate penalty's transformation from a public

spectacle to an act carried out behind closed doors in the wee hours of the morning. The botched hanging of William Williams (chapter 6), who had to be hoisted up and strangled by rope for 14 minutes after his feet touched the ground, finally gave anti-death penalty proponents the power to end capital punishment in Minnesota. A final chapter explores the causes and consequences of the 1920 lynching of three young black men who were wrongly accused of raping a white teenager.

Although there is nothing specific about Iowa in this case study, Iowans, as residents of another state without a death penalty and with a low murder rate, will find much of interest. Iowa, too, has a history of extralegal violence, as Michael Pfeifer has highlighted in his many publications on violence in the Hawkeye State. And, like Minnesota, Iowa moved away from public executions during the Progressive Era and eventually banned the death penalty. Bessler's message is clear. States such as Iowa and Minnesota that have abandoned the death penalty should be admired for their modernity and recognition of human rights.

Bessler did extensive archival research in newspapers, private papers, and legal and legislative records. Ample photographs provide a visual history of those who brought an end to the death penalty in Minnesota and those who were killed by legal and extralegal executions. The author is a skilled storyteller who grabs readers' attention. *Legacy of Violence* is an important addition to a growing historiography that focuses on regional variations of lynching outside the American South.

Establishing Justice in Middle America: A History of the United States Court of Appeals for the Eighth Circuit, by Jeffrey Brandon Morris. Minneapolis: University of Minnesota Press, 2007. xx, 441 pp. Illustrations, notes, index. \$39.95 cloth.

Reviewer James W. Hewitt is adjunct professor of history at Nebraska Wesleyan University and has been a practicing lawyer for 52 years. He has written a history of the Nebraska Supreme Court.

The drama of the courtroom has made millions for those who write about it, who detail the excitement of cross-examination and the impeachment of witnesses. The reading public devours every offering by Scott Turow, John Grisham, and Richard North Patterson—books about trials, witnesses, lawyers, judges, and nefarious schemes. But one would search in vain for a fictional account of the intellectual aspects of review by appellate courts of the errors that may have occurred in those sometimes mundane, sometimes breathtaking trials.

It is up to scholars such as Jeffrey B. Morris to detail the work of courts of appeal. Our legal system affords more than one bite at the